

(b) * * *

(4) In the event of failure or malfunctioning of the automatic equipment, the person designated by the licensee as being responsible for the log shall make the required entries in the log manually at that time.

(5) The indicating equipment conforms to the requirements of §73.1215 (Indicating instruments -- specifications) except that the scales need not exceed 5 cm (2 inches) in length. Arbitrary scales may not be used.

* * * * *

20. Section 73.1860 would be removed.

21. Section 73.1870 would be amended by revising paragraphs (a) and (b)(3) to read as follows:

§73.1870 Chief operators.

(a) The licensee of each AM, FM, or TV broadcast station must designate a person to serve as the station's chief operator. At times when the chief operator is unavailable or unable to act (e.g., vacations, sickness), the licensee shall designate another person as the acting chief operator on a temporary basis.

(b) * * *

(3) The designation of the chief operator must be in writing with a copy of the designation posted with the station license. Agreements with chief operators serving on a contract basis must be in writing with a copy kept in the station files.

* * * * *

22. The authority citation for Part 74 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303, 554.

23. Section 74.5 would be amended by removing and reserving paragraph (c).

24. Section 74.18 would be revised to read as follows:

§74.18 Transmitter control and operation.

Except where unattended operation is specifically permitted, the licensee of each station authorized under the provisions of this part shall designate a person or persons to activate and control its transmitter. At the discretion of the station licensee, persons so designated may be employed for other duties and for operation of other transmitting stations if such other duties will not interfere with the proper operation of the station transmission systems.

25. Section 74.165 would be revised to read as follows:

§74.165 Posting of station license.

The instrument of authorization or a clearly legible photocopy thereof shall be available at the transmitter site.

26. Section 74.432 would be amended by revising paragraph (e)(1) to read as follows:

§74.432 Licensing requirements and procedures.

* * * * *

(e) * * *

(1) The station must be designed, installed, and protected so that the transmitter can only be activated or controlled by persons authorized by the licensee.

* * * * *

27. Section 74.434 would be amended by revising paragraph (b) to read as follows:

§74.434 Remote control operation.

* * * * *

(b) A remote control system must be designed, installed, and protected so that the transmitter can only be activated or controlled by persons authorized by the licensee.

* * * * *

28. Section 74.436 would be amended by revising paragraph

(a) to read as follows:

§74.436 Special requirements for automatic relay stations.

(a) An automatic relay station must be designed, installed, and protected so that the transmitter can only be activated or controlled by persons authorized by the licensee.

* * * * *

29. Section 74.533 would be amended by revising paragraph (a)(2) to read as follows:

§74.533 Remote control and unattended operation.

(a) * * *

(2) The remote control system must be designed, installed, and protected so that the transmitter can only be activated or controlled by persons authorized by the licensee.

* * * * *

30. Section 74.564 would be amended by revising the heading and paragraph (a) to read as follows:

§74.564 Posting of station license.

(a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted in the room in which the transmitter is located, provided that if the station is operated by remote control pursuant to §74.533, the station license shall be posted at the operating position.

31. Section 74.634 would be amended by revising paragraph (a)(1) to read as follows:

§74.634 Remote control operation.

(a) * * *

(1) The remote control system must be designed, installed, and protected so that the transmitter can only be activated or controlled by persons authorized by the licensee.

* * * * *

32. Section 74.703 would be amended by revising paragraph (c) to read as follows:

§74.703 Interference.

* * * * *

(c) It shall be the responsibility of the licensee of a low power TV, TV translator, or TV booster station to correct any condition of interference which results from the radiation of radio frequency energy outside its assigned channel. Upon notice by the Commission to the station licensee that such interference is caused by spurious emissions of the station, operation of the station shall be immediately suspended and not resumed until the interference has been eliminated. However, short test transmissions may be made during the period of suspended operation to check the efficacy of remedial measures.

* * * * *

33. Section 74.734 would be amended by revising paragraph (a) and removing paragraph (a)(6) to read as follows:

§74.734 Attended and Unattended operation.

(a) Low power TV, TV translator, and TV booster stations may be operated without a designated person in attendance if the following requirements are met:

* * * * *

34. Section 74.750 would be amended by revising paragraph (g) to read as follows:

§74.750 Transmission system facilities.

* * * * *

(g) Low power TV, TV translator, or TV booster stations installing new type accepted transmitting apparatus incorporating modulating equipment need not make equipment performance measurements and shall so indicate on the station license application. Stations adding new or replacing modulating equipment in existing low power TV, TV translator, or TV booster station transmitting apparatus must have a qualified person examine the transmitting system after installation. This person must certify in the application for the station license that the transmitting equipment meets the requirements of paragraph (d)(1) of this section. A report of the methods, measurements, and results must be kept in the station records. However, stations installing modulating equipment solely for the limited local origination of signals permitted by §74.731 need not comply with the requirements of this paragraph.

35. Section 74.765 would be amended by removing paragraph

(b) and redesignating paragraph (c) as paragraph (b).

36. Section 74.769 would be revised to read as follows:

§74.769 Copies of rules.

The licensee or permittee of a station authorized under this subpart shall have a current copy of Volume I and Volume III of the Commission's Rules. Each such licensee or permittee shall be familiar with those rules relating to stations authorized under this subpart. Copies of the Commission's rules may be obtained from the Superintendent of Documents, Government Printing Office, Washington, DC 20402.

37. Section 74.901 would be amended by revising the definitions for attended operation, remote control and unattended operation to read as follows:

§74.901 Definitions.

Attended operation. Operation of a station by a designated person located at the transmitting apparatus with the transmitter in plain view.

* * * * *

Remote control. Operation of a station by a designated person at a location from which the transmitter is not visible but where suitable control and telemetering circuits allow the performance of the essential functions that could be performed at the transmitter.

* * * * *

Unattended operation. Operation of a station by automatic means whereby the transmitter is turned on and off and performs its functions without a person being present.

38. Section 74.939 would be amended by revising paragraph (i) to read as follows:

§74.939 Special rules governing ITFS response stations.

* * * * *

(i) The transmitter of an ITFS response station may be operated unattended provided that the transmissions are observed by a person at the associated instructional television fixed station designated by the licensee of that station, who shall take such steps as may be necessary to correct any condition of improper operation. The overall performance of the ITFS response station transmitter shall be checked as often as necessary to

ensure that it is functioning in accordance with the requirements of the Commission's rules. The licensee of an ITFS response station is responsible for the proper operation of the transmitter at all times. The transmitter shall be installed and protected in such manner as to prevent tampering or operation by unauthorized persons.

39. Section 74.969 would be revised to read as follows:

§74.969 Copies of rules.

The licensee of an instructional television fixed station shall have a current copy of parts 73 and 74 of the Commission's Rules. In cases where aeronautical hazard marking of antennas is required, such licensee shall also have a current copy of part 17 of this chapter. Each licensee is expected to be familiar with the pertinent rules governing instructional television fixed stations.

40. Section 74.1203 would be amended by revising paragraph (e) to read as follows:

§74.1203 Interference.

* * * * *

(e) It shall be the responsibility of the licensee of an FM translator or FM booster station to correct any condition of interference which results from the radiation of radio frequency energy by its equipment on any frequency outside the assigned channel. Upon notice by the Commission to the station licensee that such interference is being caused, the operation of the FM translator or FM booster station shall be immediately suspended and shall not be resumed until the interference has been eliminated or it can be demonstrated that the interference is not due to spurious emissions by the FM translator or FM booster station; provided, however, that short test transmissions may be made during the period of suspended operation to check the efficacy of remedial measures.

41. Section 74.1234 would be amended by revising paragraph (a) and removing paragraph (c) to read as follows:

§74.1234 Unattended operation.

(a) A station authorized under this subpart may be operated without a designated person in attendance if the following requirements are met:

* * * * *

APPENDIX B

Initial Regulatory Flexibility Act Analysis

I. Reason for Action

A revision in the Communications Act of 1934 has given the Commission authority to waive the requirement that broadcast stations be operated by licensed transmitter duty operators. A waiver of this requirement would permit such stations to be operated unattended for the first time. This proceeding explores the feasibility of such operation. In connection with the proposed changes in transmitter monitoring and control policy and in response to numerous inquiries that topic, a number of other rules need updating.

II. Objectives

The proposed action is intended to update the rules to provide for unattended broadcast station operation and to clarify the technical responsibilities of broadcast licensees, particularly those operating unattended stations.

III. Legal Basis

The action taken by this Notice is authorized by Sections 4(i) and (j), 302, 303 and 403 of the Communications Act of 1934, as amended.

IV. Description, Potential Impact and Number of Small Entities Affected

The action proposed in this proceeding is expected to benefit smaller broadcast licensees by eliminating the need for a transmitter duty operator. This is expected to result in an operational cost savings. However, taking advantage of the flexibility provided by the proposed new rules is entirely optional. Licensees may continue to operate as they currently do if they so desire.

V. Recording, Record Keeping and Other Compliance Requirements

None.

VI. Federal Rules which Overlap, Duplicate or Conflict with this Rule

None.

VII. Any Significant Alternative Minimizing Impact on Small Entities and Consistent with the Stated Objectives

None.